



Legislation Text

File #: 21-718, **Version:** 1

Staff Report for City of San Leandro City Council Resolution Approving a Right of Entry Agreement Between the City of San Leandro and Sail Internet, Inc. for the Construction and Maintenance of a Wireless Communications Site at the Marina Community Center

SUMMARY AND RECOMMENDATIONS

Staff recommends approval of a Right of Entry agreement with Sail Internet, Inc. (Sail Internet) to allow the installation of a rooftop wireless communications antenna at the Marina Community Center. The agreement will be for a term ending on January 3, 2032 and any renewal would be discussed thereafter. The City will receive a total of approximately \$54,000 during this period.

BACKGROUND

Over the past few months, staff has worked with Sail Internet on a proposed wireless site tower license agreement to use the rooftop of the Marina Community Center. The proposed agreement will be for a period of ten years. Sail Internet is prepared to enter into a Right of Entry Agreement with the City and will work with Public Works to design the equipment installation.

The proposed Agreement would be for a term of ten years, with a monthly license fee of \$450. The actual location of the equipment on the Marina Community Center rooftop will be subject to review by the Public Works Department's design guidelines. Sail Internet has submitted an application, site plans and photo simulations for the proposed site; however, final approval of the site is conditional, based on the City Council's approval of this Right of Entry agreement.

Analysis

In September 2018, the City Council unanimously adopted the Fiber Optic Master Plan and Smart City Strategy. As part of this comprehensive report, the City conducted a survey of residents to obtain their views on broadband usage. Over 1,800 residents responded to the broadband survey, with responses coming from all neighborhoods and districts within the City.

The following is an excerpt from the Fiber Optic Master Plan:

“Of those expressing low overall satisfaction, 61% indicated that there were no other (internet) service options in their area and 62% were dissatisfied because the connection was slow or unreliable. These results suggest an opportunity for a provider with high-speed, reliable broadband to capture significant market share with the residential sector.”

The City's broadband infrastructure can be made available to support the creation of a wireless residential broadband network. Recognizing this opportunity, Sail Internet began discussions with the City about expanding their service into San Leandro by utilizing City assets to create a Citywide

wireless broadband network:

The key terms and conditions of this agreement are:

- The License Agreement will terminate on June 15, 2031 and any renewal would be discussed thereafter, subject to either party's right to cancel without cause upon 90 days' notice;
- Sail Internet will pay the City an annual per site license fee, based on fair market value, to access rooftop space to install antennas and related equipment to support its network;
- The license fee will increase by 3% per year;
- The agreement will be non-exclusive; and
- Sail Internet must ensure non-interference with other City-owned wireless facilities, such as public Wi-Fi.

The City would benefit through earning a return on its broadband infrastructure investment. The City also benefits through the introduction of a new cutting-edge internet service provider to directly benefit City residents and households.

Staff recommends approval of a Right of Entry agreement with Sail Internet to allow the installation of a rooftop wireless communications antenna at the Marina Community Center.

Current Agency Policies

- Advance projects and programs promoting sustainable economic development, including transforming San Leandro into a center for innovation
- Support and implement programs, activities and strengthen communication that enhances the quality of life and wellness, celebrates the arts and diversity and promotes civic pride

Applicable General Plan Policies

- Policy ED-3.2 **Business Infrastructure**. Develop the infrastructure necessary to transform San Leandro into a center for innovation and creativity, including high-speed communications, sustainable energy systems, high performing utilities, and convenient access to business networks and support services.

Environmental Review

This Agreement is not subject to the California Environmental Quality Act (CEQA) per CEQA Guidelines Section 15378, in that it is not a project as defined by CEQA.

Board/Commission Review and Actions

- Zoning Code Section 4-1686 B. 2 exempts telecommunication applications on City-owned properties from formal Planning Department approvals.
- City practice and procedure requires administrative approval of proposed project plans by the Public Works Department prior to submittal of building permits.

Legal Analysis

The subject Agreement has been reviewed and approved by the City Attorney.

Fiscal Impacts

The City will receive \$54,000 for the ten-year term of the Agreement.

ATTACHMENT

- Right of Entry Agreement

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